

## REMARKS/ARGUMENTS

In the Office Action mailed on October 25, 2010, claim 7 is rejected. In addition, claims 1-6 and 8-10 are allowed. In response, claim 7 has been amended. Applicant hereby requests reconsideration of the application in view of the amended claim and the below-provided remarks.

### Claim Rejection under 35 U.S.C. 101

The Office Action states that claim 7 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In particular, the Office Action states that claim 7 defines a computer program embodying functional descriptive material (i.e., a computer program or computer executable code). (See page 4 of the Office Action). In addition, the Office Action states that the claim does not define a “non-transitory computer-readable medium or non-transitory computer-readable memory” and is non-statutory for that reason. (See page 4 of the Office Action). Furthermore, the Office Action suggests amending claim 7 to “embody the program on “non-transitory computer-readable medium” or equivalent.” (See page 5 of the Office Action).

In response, claim 7 has been amended according to the suggestion in the Office Action. In addition, claim 7 has been further amended to correct an informality. Specifically, claim 7 has been amended to recite “*A non-transitory computer-readable medium embodying a computer program product comprising program instructions for implementing, when said computer program product is executed by a processor, the method of claim 1*” (emphasis added). Applicant respectfully asserts that the claimed invention of amended claim 7 is directed to statutory subject matter. As a result, Applicant respectfully requests that the rejection to claim 7 under 35 U.S.C. 101 be withdrawn.

Amended claim 7 depends from and incorporates all of the limitations of independent claim 1. Thus, Applicant respectfully asserts that amended claim 7 is allowable at least based on an allowable claim 1. Because claim 1 is allowed in this Office Action, Applicant respectfully asserts that amended claim 7 is now in condition for allowance.

## CONCLUSION

Applicant respectfully requests reconsideration of the claims in view of the amended claim and remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-4019** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-4019** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

/mark a. wilson/

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